

**CITY OF NEWARK
DELAWARE**

**PLANNING COMMISSION
MEETING**

May 6, 2014

7:00 p.m.

Present at the 7:00 p.m. meeting were:

Chairman: James Bowman

Commissioners Present: Patricia Brill
Bob Cronin
Angela Dressel
Andy Hegedus
Edgar Johnson
Alan Silverman

Staff Present: Maureen Feeney Roser, Planning and Development Director
Mike Fortner, Development Supervisor
Ricky Nietubicz, Planner/DNP Administrator
Robert Gifford, Councilman, District 3

Chairman James Bowman called the Planning Commission meeting to order at 7:00 p.m.

1. THE MINUTES OF THE MARCH 4, 2014 PLANNING COMMISSION MEETING.

Mr. Bowman: Are there any additions or corrections to those minutes from members of the Commission?

Mr. Alan Silverman: Mr. Chairman, I have a correction on page #3. It says, Alan Silverman: Maureen, was it an administrative misunderstanding that caused the (inaudible). In audible should be changed to "problem."

Mr. Bowman: Are there any other additions or corrections? Hearing none the minutes from the March 4, 2014 meeting are approved and accepted as amended.

2. REVIEW AND CONSIDERATION OF A SPECIAL USE PERMIT TO INSTALL AN A-FRAME RADIO COMMUNICATION TOWER FOR COMPANY USE AT 1344 MARROWS ROAD.

Mr. Bowman: Item #2 has been pulled by the applicant.

3. REVIEW AND CONSIDERATION OF A THREE SPACE PARKING WAIVER AT 72 E. MAIN STREET (INDIAN SIZZLER) IN ORDER TO INCREASE THE SEATING AT THE EXISTING RESTAURANT BY 9 SEATS.

Ms. Feeney Roser summarized her report to the Planning Commission which reads as follows:

"On April 3, 2014, the Planning and Development Department received an application from Mr. Kazi A. Samee, owner of the Indian Sizzler restaurant for a 3 space parking waiver for the property located at 72 East Main Street.

The Planning and Development Department report on the 72 East Main Street parking waiver request follows:

Property Description and Related Data

1. Location:

North side of E. Main Street approximately 200 feet from the intersection of East Main and Academy Street.

2. Size:

.15 acres

3. Existing Land Use:

72 East Main Street contains the Indian Sizzler restaurant on the first floor with one three-bedroom apartment above. It is a fully developed site.

4. Physical Condition of the Site:

The property is a developed site with a two story mixed use building containing a first floor restaurant with a second-story apartment above. An access driveway runs along the east side of the property back to a nine space parking lot, which also serves as access to the rear of 70 E. Main Street (formerly Newark Newsstand) through a cross-access agreement. The property is relatively flat with a slight slope from north to south.

5. Planning and Zoning:

72 East Main Street is zoned BB. BB is our downtown central business zone and permits following:

- A. Retail and specialty stores.
- B. Retail food stores up to 5,000 square feet in maximum floor area, with special conditions.
- C. Restaurants, bakery and delicatessens.
- D. Banks and finance institutions.
- E. Offices for professional services and administrative activities.
- F. Personal service establishments.
- G. Studios for artists, designers, photographers, musicians, and sculptors.
- H. Repair and servicing, indoor and off-site of any article for sale, which is permitted in this district.
- I. Related indoor storage facilities as accessory uses with special requirements.
- J. Accessory uses and accessory buildings.
- K. Public parking garage and parking lot.
- L. Public transit facilities.
- M. Social club, fraternal, social service, union and civic organizations, except on ground floor locations.
- N. Photo developing and finishing.

BB also permits, with a Council granted Special Use Permit, the following:

- A. Retail food stores with more than 5,000 square feet in area.
- B. Drive-in and curb service for other than eating establishments.
- C. Fast-food restaurants with special requirements.
- D. Motels and hotels.
- E. Commercial in-door recreation and in-door theaters.
- F. Instructional, business or trade schools.
- G. Electric gas and telephone central offices and telephone central offices and substations with special requirements.

- H. Tower, broadcasting or telecommunications on existing buildings or structures with special requirements.
- I. Police and fire stations.
- J. Library, museum and art gallery.
- K. Church or other place of worship.
- L. Restaurant, cafeteria style.
- M. Apartments, except on ground floor locations, with special requirements.
- N. Restaurants with alcoholic beverages, with special requirements.

A summary of BB area requirements may be found below:

Area regulations.

- 1) *Minimum lot area.* The minimum lot area shall be 3,000 square feet.
- 2) *Maximum lot coverage.* Buildings or other structures used exclusively for business purposes may occupy the entire lot, with conditions and subject to rear yard requirements.
- 3) *Minimum lot width.* The minimum width of a lot shall be 20 feet.
- 4) *Height of buildings.* Permitted uses in a BB district may be erected to a height of over three stories or 35 feet with bonus floors for projects meeting certain requirements.
- 5) *Building setback lines.* No setback is required for all structures three stories or 35 feet in height or less. A 20 foot setback shall be required for all buildings above three stories or 35 feet in height.
- 6) *Rear yards.* A rear yard of 15 feet shall be provided for all structures in the BB district, and such rear yard may be used to meet the applicable parking requirement.
- 7) *Side yards.* No side yards are required for buildings up to 35 feet in height. For buildings with floors above 35 feet in height, a minimum side yard of eight feet is required when the property is contiguous to another lot in the same zoning district. When a side lot line forms the boundary line with any residential district, a side yard shall be required equal to the minimum side yard required for that residence district.
- 8) *Parking.* As required in Code Section 32-45.

Regarding BB zoning area requirements, except for the off-street parking waiver, the Indian Sizzler building meets all applicable Code stipulations.

Regarding adjacent and nearby properties, the lands to the north and west of 72 East Main Street are zoned BB and contain the old Newark Newsstand, which is under construction and lands associated with National 5 & 10. To the east are also BB zoned properties which contain Municipal Parking Lot #3 and the rental office for The Retreat (formerly the Cottages at Suburban Plaza). Across Main Street are also BB zoned properties including shops, restaurants and the Newark United Methodist Church.

Regarding comprehensive planning, the Newark Comprehensive Development Plan IV calls for “commercial (pedestrian oriented)” uses at the 72 East Main Street location. In addition, the Plan’s downtown economic strategy suggests “downtown core district” uses for this site described as: “first floor specialty and traditional retail shops with the balance concentration of food and entertainment.”

Please note, in this regard, that the BB district off-street parking waiver program, adopted by the City to encourage quality pedestrian oriented development downtown stipulates that the Planning Commission can reduce or waive the off-street parking standards in Zoning Code Section 32-45(a) after considering the following:

- “A. Whether the applicant has demonstrated the proposed use does not conflict with the purposes of the Comprehensive Development Plan of the City;
- B. Whether the applicant has demonstrated that the proposed use conforms to and is in harmony with the character of the development pattern of the central business district;
- C. Whether the applicant has demonstrated that the proposed use is not highway oriented in character or significantly dependent on automobile or truck traffic as a primary means of conducting business;
- D. That the proposed use will not adversely affect the health or safety of persons residing or working in the vicinity, will not be detrimental to the public welfare, or injurious to property improvements in the vicinity;
- E. The Planning Commission may also consider the availability of off-street parking facilities, the availability of nearby adjacent public parking facilities (within 500 feet) that may be shared by the applicant and an existing or proposed use. In considering this subsection the Planning Commission may require that the applicant submit an appropriate deed restriction, satisfactory to the City, that ensures either the continued validation of and/or the continued use of shared parking spaces in connection with the uses and structures they serve;
- F. The Planning Commission shall consider the advice and recommendation of the Planning and Development Director.”

Please note also that the BB zoning parking waiver procedure permits City Council to review, modify or deny Planning Commission approval, disapproval, or approval with conditions upon the recommendation of a member of City Council, the Planning and Development Director and/or the City Manager.

Regarding the three space parking waiver, our procedures specify that applicants receiving such approvals may make a “in lieu of spaces” payment to the City to be used to improve downtown parking. The required payment for the requested parking waiver, which is based on an estimate of the cost of construction of a surface level parking space provided by the Public Works and Water Resources Department (\$5,833) is as follows:

<u>Number of Spaces</u>	<u>Payment Required</u>
Three (3)	\$875 (5%)

More information regarding this payment in lieu of spaces and related comments regarding the request appear below.

Parking-Relating History of Site

In 1994 previous owners received a nine space parking waiver in order to open a TCBY frozen yogurt business at the site. The use preceding TCBY was office space for an appraisal company. Planning Commission granted the 9 space waiver and as a condition of that approval the land was deed restricted to specify that validated parking would be provided for this and any other Code permitted uses operating at this location. Mr. Samee purchased the property and the business, and operated the TCBY franchise for several years before converting the frozen yogurt store into the Indian restaurant that it is today. Mr. Samee is in the process of expanding the kitchen facility for the restaurant and would like the opportunity to expand the number of seats in the restaurant from the current 40 to 45 seats. (Please note that Mr. Samee originally requested a 9 seat increase as shown on the attached plan; he later modified the request to 5 additional seats because of occupancy-triggered requirements in the Building Code which he will be unable to meet). The restaurant with the 5 additional seats will require parking spaces as follows:

<u>Use</u>	<u>Required Parking</u>
45 seats	15 spaces
Three (3) bedroom second-floor apartment	2 spaces
Four (4) employees on greatest shift of employment	<u>4 spaces</u>
Total:	21 spaces

As previously noted, there are 9 spaces in the existing parking lot, and a 9 space parking waiver previously approved for a total of 18 space waiver, so a three space waiver is necessary to accommodate the 45 seats proposal.

Departmental Comments

The City's Planning and Operating Departments have reviewed the 72 East Main Street parking waiver application. The departmental comments are as follows:

Planning and Development Department

1. The Planning and Development Department notes that the use does not conflict with the purposes of Comprehensive Development Plan of the City and is in character with the development pattern in the surrounding area.
2. The Planning and Development Department indicates that the applicant believes that the bulk of his customers are pedestrians. In addition, the Department notes that the property is directly adjacent to Municipal Parking Lot #3.
3. The Department recommends that the deed restriction requiring City of Newark validated parking be provided during all hours of operation for the Indian Sizzler or any other Code permitted uses operating at the site should remain in force.
4. The Department indicates that the required waiver fee of \$875 must be paid before the seats are installed. In addition, the attached plan will need to be revised to show 45 not 49 seats.

Code Enforcement Division

1. As previously noted, the Code Enforcement Division of the Planning and Development Department indicated that the originally proposed increase in seating to 49, when coupled with the number of employees working there, would require a second handicap accessible exit to the facility, as well as other requirements. The applicant has since revised his request.

No other departmental comments were submitted.

Recommendation

Because the Indian Sizzler restaurant use conforms to the land use recommendations in Newark's Comprehensive Development Plan IV, because the proposed use does not conflict with the development pattern in the immediate vicinity of the site, and because the waiver will allow an existing business to expand with minimal impact on the parking system, the Planning and Development Department suggests that the **Planning Commission approved the 72 East Main Street three space parking waiver, requested on April 3, 2014 and further modified on April 25, 2014, with the conditions in this report.**"

Mr. Samee is here with us tonight, and I will be happy to answer any questions as I am sure he will.

Mr. Bowman: Are there any questions from the Planning Commission on the Planning and Development Department Report?

Mr. Bob Cronin: On page #4, item D toward the top of the page in the middle of the second line, I think it probably should be “will not be detrimental to the public welfare.” Is that correct?

Ms. Feeney Roser: Yes.

Mr. Cronin: This becomes part of the record. So, if this is part of the record maybe we should make that change.

Ms. Feeney Roser: Thank you.

Mr. Silverman: Mr. Chairman, by way of disclosure, my wife and I regularly dine at the Indian Sizzler and will in the future.

Mr. Bowman: If there are no further questions from the Planning Commission, the applicant is here. You are more than welcome to step forward and add any comments that you might wish to make at the microphone to the right. Please state your name and address for the record when you go to the microphone.

Ms. Feeney Roser: Mr. Samee, just go to the microphone and introduce yourself and say anything you would like the Commission to know about the waiver request, your restaurant, etc.

Mr. Kazi Samee: I own the Indian Sizzler at 72 E. Main Street, Newark, Delaware, 19711. I used to run the TCBY for a long time – for more than ten years – and I changed to the Indian Sizzler. The reason I am asking is because we have a lot of customers coming in at lunchtime and do not have too much space for the people to sit down. Most of our customers are not driving at all. They are walking customers. First of all, I was looking for 9 additional seats but then it was explained that I needed two doors for that many seats and I don’t have that. That is why I finally decided to go for an increase of five seats.

Mr. Bowman: Are there any questions for the Planning Commission? Are there any questions from members of the public? I have no written requests for comments on this item.

Mr. Cronin: Mr. Samee, on your diagram here, when I count up the seats I get something like 36 or 37 and you are talking about 45. These are seats on the diagram? I did not know that.

Mr. Bowman: We will bring it back to the Commission for a recommendation.

MOTION BY DRESSEL, SECONDED BY HEGEDUS THE PLANNING COMMISSION APPROVED THE 72 EAST MAIN STREET THREE SPACE PARKING WAIVER, REQUESTED ON APRIL 3, 2014 AND FURTHER MODIFIED ON APRIL 25, 2014, WITH THE CONDITIONS IN THE PLANNING AND DEVELOPMENT DEPARTMENT REPORT.”

Mr. Bowman: I have a motion and second. Is there any further discussion for clarification? Hearing none, we will call for the question. All in favor signify by saying Aye.

VOTE: 7-0

AYE: BOWMAN, BRILL, CRONIN, DRESSEL, JOHNSON, HEGEDUS, SILVERMAN

NAY: NONE

MOTION PASSED UNANIMOUSLY

4. A COMPREHENSIVE DEVELOPMENT PLAN UPDATE DISCUSSION.

Mr. Fortner handed out the most current draft of the Comprehensive Development Plan V to the Planning Commissioners.

Mr. Fortner: What I wanted to do is to walk you through the final chapters of the Plan. We will walk through it tonight, then I will give you a week to review it, we will have a public workshop beginning at 4:30 p.m. and see a display of all the information on the Comp Plan, then we will have our own workshop meeting that evening and then make sure it is alright and will schedule the public hearing probably for the Planning Commission on June 3, 2014. That will be the final hearing for the Comp Plan and the Planning Commission will give their recommendation to Council.

Mr. Bowman: Mike, do you have a specific way you want to handle questions tonight?

Mr. Fortner: I will walk you through it first and then it can be opened for discussion.

The May 6th draft has all the comments we have had since the previous draft. I want to start where we left off on Land Development (Chapter 10). [Secretary's Note: Mr. Fortner handed out copies to the audience].

The format has changed from other drafts. First of all, I have moved up the Existing Land Use Patterns. It is a history of land use in Newark. We will go through the tables. There are different classifications of land use on page 126. Then we go through the zoning classifications in Table 10-2 on page 127 and then we get to the comparable zoning on page 129 (the land use and how they match up with the zoning). On page 130, we have our core principles for land development.

Next, we have our different planning areas. They each have a letter. Turn to the first page which is 132. The proper way to view them is to lay them flat, so you have Map A (University/Newark Core) and then across from the map you have Planning Section "A; Existing Land Use. This is an existing land use. These are coded to represent a land use. You have Residential (Low Density and High Density); mixed urban, commercial, parks and open space, active recreation spaces, institutional, university, industrial, utilities and the black parcels are vacant. One significant change in talking with the Office of State Planning and the Institute of Public Administration, you will notice on Map A, the parcel with the star. Most of that is vacant at this point.

I'm back on page 133 on A. It describes the area, existing land uses currently, what the previous 2008 plan called for and then the conditions affecting development. These are the issues that have come out through our analysis and through our different workshops that people have identified or things that you take into consideration when you are planning or affecting the growth and development of this area.

When you turn the page, the next map is the future land use map. Again, this is the University/Newark Core. The vacant parcels have been assigned a future land use and aligns what our land use is and what the zoning is. You have the recommended uses that have been assigned. You have the rationale for the uses. And finally, you have the focus areas. For example, in A, the focus areas, first of all, College Square. It has a current use of auto oriented, suburban shopping center. Vacant parcel to the south owned by the University of Delaware. The Recommendations: Extend Delaware Avenue to Marrows Road. Mixed use and transit oriented pedestrian and bicycle friendly. The rationale is, consistent with redevelopment of downtown and South Main Street. Then the zoning, College Square is zoned BB and is appropriate for the recommended uses.

Then we have the UD Technology Park which has a vacant parcel and is zoned UN and is appropriate for University supported development.

We also have vacant parcels at Devon and Old Newark. Current use would be vacant parcels in a residential – low density area. It is recommended for residential-low density or compatible uses. The rationale would be consistent with surrounding development. The zoning is RS and RD and are appropriate for the recommended uses.

Then we have the New London Road Community. We have it as a Historic African-American community. Redevelopment is heavily impacted by off-campus student housing. Significant traffic issues on New London Road and Cleveland Avenue. Also, significant pedestrian traffic. The current uses; older housing stock, some of which are not eligible for mortgages because they do not meet current building codes. Recent redevelopment of housing for student rentals. The recommendations are residential-low density or high density compatible with density and architecture of the surrounding residential area, as well as compatible institutional uses. Traffic impact must also be evaluated for new developments. The rationale: consistent with surrounding development. The zoning is RD or RM and is appropriate for the recommended uses.

That is a big area there. Are there any questions on that or how that is laid out?

Mr. Cronin: On page 135, you talked about the vacant parcels at Devon and Old Newark. When I look at your map of vacant parcels, I don't see any in Devon.

Mr. Fortner: When we go up a little further is that what we call the Binns.

Mr. Cronin: Devon is west of Apple Road generally south of Chrysler Avenue. And, Binns is both sides of Chrysler a lot closer to Elkton Road.

Mr. Fortner: If you look more central toward the campus, there are about five parcels in that area.

Mr. Cronin: I guess my suggestion is we delete the reference to Devon because it doesn't seem to be applicable.

Mr. Fortner: Okay.

Mr. Andy Hegedus: If you are talking about the little parcels that are around Orchard Road, those are Old Newark.

Mr. Fortner: So, I can take out Devon completely.

Mr. Cronin: I would.

Mr. Fortner: There is one further down south.

Mr. Cronin: That is not Devon. That is on Ritter Lane, but that is not Devon.

Mr. Fortner: So, it will be "Vacant parcels in Old Newark." Are there any other comments on this?

Ms. Feeney Roser: The map looks really busy to me. Is it possible that anything outside of the district would just be the outline of the City so that you could focus more on the area?

Mr. Fortner: Yes. I can still work with the Institute of Public Administration to clarify these maps. There are also some little errors in the maps that they are going to work on. Also, I can take out this downtown box that is distracting to make it clearer for the final draft.

Mr. Cronin: I like that idea.

Mr. Fortner: Maybe there is some way to shade it or cut it somehow.

Ms. Feeney Roser: Even if it is a little busy, it is light years better than the labeling that we did in the last Plan, because it was hard to tell which parcel was what.

Mr. Silverman: A suggestion on format, and I am going to use this former exhibit. If you are going to keep your blown up inset, make it almost the size of one page on this left

side, if you could introduce the completed map, all of this, without the (inaudible) so we could see what the future land use is.

Mr. Fortner: You want a citywide big map.

Mr. Silverman: A big map here and then the inset, as Maureen said, to be enlarged here. You could look over here and find the inset, see what is around it and then (inaudible).

Mr. Fortner: That is fine. I can make it 17 X 11. You are going to have a zoning map that size as well. So, I can have all three maps, land use, future land use and the zoning map. They will all fold out like that. It is hard to assemble those because they don't print with the rest of the pages. I have to print them differently. I do have them in poster size.

Mr. Cronin: On the STAR Campus, they have rail lines running all over the place which probably aren't there anymore. So, maybe the IPA can take them out.

Mr. Fortner: It is a Shape file. I don't know if they can revise them.

Mr. Cronin: You can ask them. They go all over the STAR Campus. They were there when Chrysler was there but I don't believe they are there now and particularly not in the future use would they be there. So, if we are trying to be as accurate as possible, I thought that the IPA could take them out. If they can't, we'll just live with it.

Mr. Fortner: Okay, let's go to B – West Newark, pages 136 and 137. Again, you have an existing land use map. One thing you will notice is the Newark Country Club has a designation of active recreation. When you flip the page, the next page is the future land use map, you will see that that changes to low density residential. The reason for that is it is privately owned and it is zoned RS for low density residential. A future development is zoned residential by right. Anything they do in terms of the master plan that we are hoping to work on with them would probably have a density of that scale anyway. So, we have to keep it at that designation. That is the way it was on the previous plan as well.

Future Land Uses, the recommended uses are residential-low density, mixed urban, commercial, active and passive recreation and stream valley.

Focus areas are the Newark Country Club founded at this location since March 1, 1921. In 2008 the Country Club site was approved for development of 270 single family houses, consistent with the current zoning. The approved plan was not constructed and was sunsetted in February 2013. The current use is a golf course. Recommendations are collaborate with community stakeholders to develop a master plan for the site that identifies options, community needs, access, general improvements and needed infrastructure as well as the impact of any development to the surrounding areas. The rationale is, the site is of significant size and in a centralized location that would impact the City's traffic and environmental quality. The site is currently zoned RS for residential-low density and compatible uses. The vacant residential parcels in Planning Section B are in residential-low density areas. Recommendations are residential-low density or compatible institutional uses. The rationale is consistent with surrounding development. The zoning is RH, RT, RS, RD and RR that are appropriate for the recommended uses. 924 Barksdale Road – The International Reading Association purchased the parcel in 2000. The current use is vacant. The parcel is zoned BL (business limited). The recommendation would be light commercial and office use. The rationale would be consistent with surrounding development. It is zoned BL and is appropriate for the recommended uses.

Mr. Fortner: Are there any questions on B? If not, we will go onto C. This is the Section for the STAR Campus. We have a little bit about the location, the existing things, Science and Technology Advanced Research (STAR) Campus, UD sports facilities, the UD's Farm and Agricultural School, the Newark Senior Center is in this district, adult communities, a cement plant, hotels, apartments and commercial. The previous plan's recommendations, conditions affecting development. The Following are the conditions:

- Redevelopment of the Chrysler site into the University of Delaware's Science and Technology Advance Research (STAR) Campus. (See page 75)
- Transit-oriented development at STAR Campus, including the redevelopment of the Newark Train Station to be completed by 2017 (See page 76)
- Traffic
- Stream Valley
- Cost to provide City electric to South Campus
- Limited sewer and water infrastructure
- Locations ideal for senior housing and "Levels of Care" residential.
- Lack of amenities for pedestrian and bicycle connectivity

On the next page, we give the STAR Campus its own land use designation. It is a hybrid between University and industrial uses. It did not fit in the University designation or industrial designation. The recommended uses are STAR Campus, Industrial, Mixed Urban, Commercial, Residential – Low and High Density.

The focus area is the STAR Campus. The University purchased the 272-acre site to redevelop the former Chrysler site into the Science and Technology Advanced Research (STAR) Campus. The University envisioned a science and technology campus with up to 5 million sq. ft. of multi-use space including health-science, housing, retail, office and transit spaces. The Current use: The STAR Campus' first major tenant, Bloom Energy Corporation, a manufacture of solid oxide fuel cells, located its east coast manufacturing, management and research facilities on 50 acres of the site. Bloom Energy opened it facility in the spring of 2013 and is anticipated to employ 900 individuals when at full capacity. The University also located its College of Health Sciences at the site. Recommendations: Continued redevelopment of the site with mixed uses to include "high-tech research and educational facilities" as well as light manufacturing and commercial development. Rationale: STAR Campus site has the proper size, central location and proximity to uses ranging from University, industrial, commercial and residential. Zoning: STC zoning is appropriate for the recommended uses.

Mr. Johnson: Mike, do you see the misspelling under "Current Use?"

Mr. Fortner: Yes.

Mr. Johnson: You have Blood Energy instead of Bloom Energy.

Mr. Silverman: On page 141 under the major heading "Conditions Affecting Development" we have Newark Train Station being completed by 2017. Given the state of DelDOT can we soften the 2017 date to indicate to be completed at an undetermined date?

Ms. Heather Dunigan: It will be completed by 2017 (inaudible – not at the microphone).

Mr. Fortner: That is Heather Dunigan with WILMAPCO.

Ms. Dunigan: Phase I will be completed. Phase II allows for the (inaudible – not at microphone).

Mr. Silverman: Rather than putting completed by 2017, put first Phase will be completed by 2017. And it is funded you said?

Ms. Dunigan: (Inaudible)

Mr. Silverman: Can you provide Mike with the schematic of where (inaudible). This document is good for the next ten years.

Mr. Fortner: There is a diagram of where the Train Station is on page 76, where there is a site map. That right there is not necessarily where the Train Station is supposed to be. That is a parcel.

Ms. Feeney Roser: That triangular space should be in black as part of the STAR Campus.

Mr. Fortner: Are you talking about the little space in the corner?

Ms. Feeney Roser: Yes, which is now the Train Station.

Ms. Dunigan: (Inaudible – Ms. Dunigan was not at the microphone).

Mr. Fortner: Let's go to Map D. Again, you have the Location, Existing Land uses, Previous Plan and Conditions Affecting Development. Turn the page to 147. You have the Recommended Uses for that area. You have 151 Capitol Trail. That is the large black parcel that you see on the Existing Land Use Map. It is a vacant parcel that is zoned RS for low density residential and it has OFD floodplain or stream valley in it. Recommendations are residential low density or compatible uses. The OFD is to be used for open space and passive uses. The rationale is consistent with surrounding development. The zoning is RS for residential – low density, and compatible institutional uses. OFD on the west and north sides of the parcel. Then the other vacant parcels in Section D which is around the Stafford and Lumbrook Park area, those are all low-density residential zoned RS.

Mr. Silverman: On area D, I thought we had discussion along Margaret Street when we were looking at the rezoning and subdivision plan to eliminate the low-density residential and call all that higher-density residential.

Mr. Fortner: Where are you, again?

Ms. Feeney Roser: On Annabelle Street.

Mr. Fortner: Okay. That is zoned RM – high density. That is compatible. I will change that.

Mr. Silverman: There is a valuable resource directly up there, which is a bus line, if you recall from the zoning application. So, why keep those older houses that have been converted into rooming houses now at an essentially single family residential.

Mr. Fortner: By-the-way, Map D is labeled Western Newark. That is not western Newark. It should be Northern Newark.

Mr. Cronin: North or Northeastern. Either one.

Mr. Fortner: Northeastern would be fine, too.

Mr. Fortner: We are now on Planning Section E, which is Elkton Road/Southwest Newark. It is the area on the very most western part of town to the Maryland State Line.

You have the Description, Existing Land Uses, Previous Plan, Conditions Affecting Development – traffic volume, sewer capacity, and stream valley. Then we have recently approved Cottages at the Plaza (now known as “The Retreat”) under construction at Suburban Plaza. The development required a change to the 2008 Comprehensive Development Plan and will insert luxury apartments onto a site once designated as “Commercial (auto-oriented) and Manufacturing Office/Research. While the developer is targeting the units to University students, the site might also have appeal to young professionals and seniors.

There are not a lot of vacant parcels in that area, but the recommended uses are Industrial, Mixed Urban, Commercial, Passive Recreation and Stream Valley. There is a vacant parcel at the south corner of Elkton Road and Christina Parkway. It is 2.83 acres and contains some stream valley and is recommended for light commercial, protection of the stream valley. The rationale is consistent with surrounding development. The zoning is BL and OFD appropriate for the recommended uses.

Do you know what I am talking about? I can show you on the map. Across the street on the south end of it, at the intersection of Christina Parkway and Elkton Road.

The final section is F – South Newark. There is a location Description on Page 154, Existing Land Uses, Previous Plan, Conditions affecting Development – Traffic and Truck on Route 896, Christina Parkway, and W. Chestnut Hill Road; Stream Valley; Water Pressure; Sewer Capacity Conveyance. When you turn the page, you will see Future Land Use. The recommendations are residential – low and high density, industrial, commercial, active and passive recreation, stream valley. The focus areas are vacant residential parcels in Planning Section F. That is the Rittenhouse neighborhoods. The current use is vacant parcels in residential – low density areas. The recommendations are residential-low density or compatible institutional uses. Rationale is consistent with surrounding development and the zoning is RD, RS, RT and RH and are appropriate for the recommended uses. Then there is vacant industrial parcels on the west side of the map. There are a number of them. Are there any questions?

On page 156 there are goals and action items for land development. We have some particular issues that we identified in the division chapters. Strategic issues: Proactively plan for sites expected to develop or redevelop to better anticipate environmental, housing, transportation and growth issues and opportunities. Also, manage land resources to provide adequate and sustainable options for housing, employment, recreation, commerce and entertainment. Goal 1 is to promote infill, redevelopment and where appropriate, mixed uses. Then Action Item 1 is review the Zoning Code to evaluate form-based codes (FBC). Goal 2 is to proactively plan for future growth and development by targeting and evaluating areas likely to develop or redevelop so that the future impact can be evaluated. Action Plan 2 is to develop a Master Plan of the Newark Country Club.

Mr. Cronin: Can we go back closer to the top of the page. Something you said, right above Goal 1, the last word there “entertainment,” what do we mean by that – a drive-in theater?

Mr. Fortner: A drive-in theater would be entertainment. Sure. A bowling alley, a golf course. It could be a place where people could go see concerts.

Goal 3 is to maintain existing development and encourage new development with a mix of housing choices, both in style, size, affordability, and density levels that integrated into the surrounding community, then there is a series of policy recommendations. Encourage residential – high density development, provide separation of residential areas from incompatible uses through buffering distances, landscaping as well as transitional zoning, utilize Site Plan Approval for cluster developments which allow greater flexibility in housing styles and types while regulating gross density within residential developments. Require linkages to streets and sidewalks between adjoining residential subdivisions and street right-of-way stubs to adjoining vacant developable land. Ensure adequate access to active and passive recreational opportunities for residential developments.

Goal 4 is to ensure adequate zoning and appropriate areas for business and industrial development to encourage sustainable economic growth. Then there are a series of policy recommendations.

That covers the land use chapters. I know the maps are very detailed. There are still some map items that need to be corrected, which will be on the final draft.

Mr. Silverman: Mike, referring back to Goal 3. To maintain existing development and encourage new development. In your mind does new development include redevelopment? Knocking down the old and building new? Or does new development only occur in undeveloped places?

Mr. Fortner: No, I think if you tear down a building and build something that is new development. In terms of new development, I think it could be an infill or it can also be tearing down of a building.

Mr. Silverman: I don't recall a statement in here where if a structure is on the National Historic Registry we recognize that it is historic, with Council's concurrence, that any development, new development in this case, reflect the building that is there either through reuse or a commemorative kind of thing.

Ms. Feeney Roser: We do have a provision for historic buildings. We have a list of them, not just the National Register, but our Code mimics it. In order to demolish one of them you would need to have a Certificate of Hardship. It is a process that people need to go through. But, what you are saying is to encourage adaptive reuse of historic structures, correct?

Mr. Silverman: Yes.

Mr. Fortner: To encourage adaptive use of historic structures.

Mr. Silverman: Should we include that in another section or should that be a part of the Land Use chapter?

Mr. Fortner: That is good language so I think it should be there. I am going to put it under Policy recommendations for Goal 3.

Ms. Feeney Roser: My question for you, Mike, during the workshops and in a recent Council discussion, we have been talking about setbacks and things of that sort in BB. There was some concern about the zero setback if you are under 35 ft. in BB. Is that something we would be looking at in Action Item 1?

Mr. Fortner: Yes, it is something that could be covered under that. You are looking more so at the design of the buildings and how you want their relationship to other buildings. So, that would be appropriate to.

Mr. Chairman, would you like to open it up to public comments.

Mr. Bowman: Does anyone have any public comments on the items that we just reviewed?

Mr. Curtis King. 302 Bent Lane here in Newark. Thank you very much for this very informative draft. On page 130, you list your core principals, then you review them beginning on 156 and 157 and list them as goals. I think there needs to be some clarification about that especially Core Principle 4 on page 130 when you say ensure that new developments meet high standards for site and architectural design to provide opportunities for a healthy, active lifestyle, environmental sustainability, as well as to establish unique Newark neighborhoods. I think that seems to be really ambiguous. I am kind of a proponent of architectural design and I believe that a city such as Newark has two vectors they can pursue in architectural design. One is to create a city that Newark wants to be and the other is to create a city in architectural design that reflect back on what Newark seems to have been. And, then there is a third vector of architectural design, which is just hideous. So, I am wondering how you determine what architectural design means to the group here and how do you determine what good architectural design is. Bad architectural design is on display in the development growing up right now along Barksdale Road and Casho Mill Road. There is nothing good about that. And, I apologize to somebody here who enjoys that kind of stuff. My question is, how do you determine what good architectural is and how you pursue it? And, how do you hold the developer responsible for it? Another comment I had is, there seems to be a wealth of high-density housing throughout the map of Newark specifically designed to house the transient/student population. The transient population in any domicile is going to be (inaudible). So, I am wondering what the limit is to creating those sorts of living conditions especially the development the Home Depot is in Suburban Plaza. There is a note there, and I think it is sort of funny, that that might be something that is appealing to seniors. I don't know any seniors who want to live with a bunch of 18 year olds. So, those two things; architectural design and what is the capacity for the City of Newark to house students, and when did the University bequeath that responsibility to the City? I appreciate your time.

One further thing, I, as I mentioned, live at 302 Bent Lane. I rehabilitated the 65 year old house, basically restored it to mid-century modern design that it once was and realized half way along the way that to do so, I had to install a fire suppression system and I understand the safety considerations and all that that applies. However, if you are hoping that people like me move into neighborhoods that are starting to transition into the need for rehabilitation and that rehabilitation, especially in single family dwellings low density housing, is hindered by the fact that the plan for the future of those places is to house students and that is why you have to install a sprinkler system, then that is exactly what you are going to get. You are going to get a neighborhood that is full of students. So, be careful what you wish for because you will get it. My sprinkler system cost a small fortune to do and required a tremendous amount of work both by the City and by me to make that a reality. So, just some things to consider, both architectural design plus the capacity to house students in the City of Newark and the kinds of constraints that you have in place for private citizens to rehabilitate housing that is in distress.

Mr. Hegedus: I have sort of lost track of the housing study.

Ms. Feeney Roser: If you don't mind, I will try to respond as best I can to Mr. Curtis. The architectural design issue. We do have subdivision regulations that require new development to have contextual and conceptual drawings that are submitted to both the Planning Commission and the Council. If it is done in the downtown area, there is also an extra layer of voluntary review that you can do with the Downtown Newark Partnership's Design Committee. There are design guidelines for the Downtown District. We may want to look at them, too, to see if those are still going to have best practices in architectural design. They are required for every major subdivision and they can be required for minor subdivisions which are less than 5 residential units or small commercial buildings. So, we can look at those as part of that section to see if there aren't ways that we can improve upon that. We may reach out to you and ask you to assist with that.

As far as rental housing, it is true that the City has been concerned for quite sometime about how much rental housing we have been building particularly in the last year, we approved more last year than we did the 12 years previous to that combined. Much of it is not yet built. We have hired a consultant to do a two phase study. That may have been overly ambitious of us. The first phase is really to determine how much rental housing is too much. What is the saturation point; and, if in fact, there is room for rental housing, what type should it be and where should it be located. Phase II which we thought made sense to combine with Phase I because it deals with rental housing, is to look at our rental housing occupancy limits and property maintenance regulations and how we deal with single family rental units, basically, in the neighborhoods. That is a very complicated and very emotional issue and it has caused some concerns about who should be steering the committee and there is still some conversation about how to get the best steering committee to guide that study. I am hopeful that within the next month or so we will have something that will, at least, allow us to go through with Phase I which is the most immediate concern – how much is too much. So, we will be looking at that and, hopefully, be able to move forward shortly.

The last thing is the fire safety. In my position I hear a lot about how expensive it is to do. We require sprinklering for every new residential unit and any major change of use and renovating more than 49%. So, it is something that comes to Council occasionally and maybe something we can look at in the future. But, I appreciate you bringing it up.

Mr. Fortner: I wanted to talk about The Retreat and why I say it is an ideal place for seniors and young professionals. I think it is because it has that mix of uses where if you were a senior and you lived there, you have easy access to a pharmacy and a grocery store and it would be an ideal place there. And, I think, unfortunately, they are marketing it to students and that is what they are choosing. I think they are mismarketing it and if it doesn't work out for student rentals because it is very far removed from campus, I think it is an ideal place and if they remarketed it, they could get seniors living there and they can get young professionals living there with the development of the STAR Campus. So, I

think that is an ideal spot. I like how that mix of use is. I think you could revitalize that shopping center. Having that residential component mixed in with that shopping center, I think, is a good environment for that area.

Mr. Curtis: No argument there. It is just that right now it is built for students.

Mr. Fortner: Yes, they are building it for students and they are marketing it for students.

Mr. Bowman: Is there anyone else who wants to comment on the items that are there?

Ms. Heather Dunigan: 422 Orchard Road. First I want to commend Mr. Fortner and Ms. Feeney Roser on an excellent job on the draft. They are working very hard at it. To echo the earlier comment, I'm also somewhat concerned that the phrase "new development" doesn't explicitly tie into infill redevelopment question. And I am concerned that communities around the nation are having a real trend with teardowns of properties and I think given the age of Newark housing stock, we are going to start seeing more of that here. I can say on my street, I have already had one vacant parcel filled in in a way that was not at all consistent with the existing older homes in the neighborhood. And, the Building Code allowed it, allowed something that was really huge with a three car garage. I am concerned that without updating the design standards and Building Code, we are going to be getting these teardowns and these monstrosities going up in their place.

Also, I know that obviously, the City does not have direct control over the land use of the University, but in regards to the University Farm, I think it would be good if it was mapped differently than the rest of the University. I think if that was developed as a campus, it would dramatically change the feel of that part of southern Newark. It is certainly a good leadership position for Newark to say we would like to see that remain agricultural space through the mapping of the future land use.

Ms. Feeney Roser: So, you are looking for an agricultural designation.

Ms. Dunigan: University/Agriculture. I know that is not an existing zoning thing, but I think we all would like to see it remain in the future so we should reflect that on the map.

Mr. Fortner: I originally wanted that as agricultural as well, but the people that I have been working with in the State did not think it was an appropriate way to designate it as agricultural. We did a thing where we were going to annex a piece of that and we tried to change the zoning to where it could only be used as agriculture, but the University didn't cooperate with that. Those are two reasons why I couldn't use that basic classification. I think it will always be a farm because as a land grant university that is one of the University rules.

Ms. Feeney Roser: Maybe we could address it in the text.

Mr. "Bing" Streets: Newark, Delaware. I am a lifelong resident. Referencing your comment about the Ag Farm. That is not going to disappear in the next 50 years. They have one of these 99 year government deals. They are getting money every year because they are growing weeds and things like that.

I am not in favor of the location of Newark Train Station. I never was. I worked hard for maybe 14 years to try and get the location we found at the Newark Concrete Plant and we were in the process of getting different people to buy up the land and get the leases ready for the building of the train station 15 years ago, and for the last 15 or 20 years it has been put on hold because different people have different emphasis on whether they were going to benefit from the land or benefit from the station or not. The University of Delaware is one of the people who was at one time in favor of it and one time they were against it. So, you never know what side you are on. Did DART buy the land on the north side of Chapel Street? That was going to be the parking lot on the north side of the tracks. The State owns that property now. I think the Planning Board should reconsider that. It is open land and it is the best location for a railroad to connect with the north and south of the State of Delaware.

Mr. Bowman: Mr. Street, the only thing the Planning Commission can consider is what is brought before the Commission by other organizations.

Mr. Street: When you get all these groups coming in, they are going to ask you for (inaudible). Maybe if you took a look at the location.

Mr. Bowman: That is up to the Commission as a total group. The only thing I can say is the dance is still on and is not over yet. All things will be considered.

Mr. Fortner: You have the Plan in front of you to review. It will be online. There will be another public workshop and leading to our final Plan. We are hiring someone to do the proofreading and editing. The way I have structured it is to come up with any questions or suggestions. The week I am looking at is either the week of May 19th or May 26th. We could do it on May 27th.

Ms. Feeney Roser: The 27th is the Council meeting because the 26th is Memorial Day Holiday.

Mr. Fortner: We don't have to have our meeting on a Tuesday. We could do it on and Wednesday or a Thursday. The week before is fine, too. I don't know if you prefer another day.

Mr. Bowman: Throw out some dates.

Mr. Fortner: Wednesday, the 21st; Thursday, the 22nd, the 28th or 29th of May.

Mr. Hegedus: May 20th.

Mr. Fortner: That is two weeks from today.

Mr. Silverman: Our intent is to wrap this up on May 20th?

Ms. Feeney Roser: You have to have a public hearing.

Mr. Fortner: The public hearing will be the Planning Commission on June 3, 2014. Maureen, can we do that?

Ms. Feeney Roser: It will have to be advertised two weeks before the Planning commission meeting. If you are not ready, we can pull it. I would have to know by May 16th.

Mr. Silverman: Point of clarification. We will have a special Planning Commission meeting for the purpose of hearing comments on the Comp Plan and then our standing meeting for regular business?

Ms. Feeney Roser: That is not what Mike is proposing. We certainly could consider that.

Mr. Silverman: What does the agenda look like?

Ms. Feeney Roser: There is a major and minor for sure, perhaps two major subdivisions on that Planning Commission agenda.

Mr. Silverman: That is too much work.

Mr. Fortner: We can push it further into June.

Ms. Feeney Roser: You mean have a special Planning Commission meeting for the Comp Plan only?

Mr. Cronin: I think we should.

Ms. Feeney Roser: You will not have a free Planning Commission agenda coming up through August.

Mr. Cronin: Citizen participation for a meeting dedicated just to the Comp Plan, I think, could be healthy.

Ms. Feeney Roser: We will have to work on that. Tuesday night seems to work best for this group. Another Tuesday night in June, then?

Mr. Cronin: I have a standing commitment the second Tuesday of the month.

Mr. Bowman: I will be out of town from June 7 – 13th.

Ms. Feeney Roser: That is the second Tuesday.

Mr. Fortner: How about June 17th?

Mr. Silverman: Outside of additional comments on this document by our group, does our group have any new material to go through?

Mr. Fortner: I have some revisions that I will email to you, but you will have them all well in advance of the next meeting. No, there are little things that are coming in, but what you have before you is a draft. Probably the only thing is the implementation where I have set up a summary of the priorities and the schedule. So, you will have that.

Mr. Silverman: I know we started to touch on this last time. If there are significant changes from what is in this document that are the product of the public information meeting you are going have, how do those changes get incorporated into what we have today?

Ms. Feeney Roser: We are going to do a workshop before your workshop.

Mr. Fortner: There will be a public drop-in open house. You will get to see the feedback.

Mr. Silverman: I just can't get a timeline in my mind to what our steps are.

Mr. Fortner: On May 20th, I am going to start at 4:00 p.m. and do an open house very similar to what I have done before. There will be information about the Comp Plan. People will make comments. They will review the information and I will collect the comments and then by the time you get here at 7:00 p.m., I will show you the raw material. Maybe I will do a survey or something like that. I will get some sort of record.

Ms. Feeney Roser: Then after that, we will be preparing it for the public hearing which will be a separate meeting. So, you can get that after the Planning Commission meeting.

Mr. Fortner: People will come in look at the plans and they can sit down for the meeting that we are having and make public comments.

Mr. Silverman: What happens to those public comments? Theoretically, we can go back and forth forever.

Mr. Fortner: Yes.

Mr. Silverman: I would like to get this document go to Council as complete as possible and then Council can have the pleasure of dealing with additional public comments.

Ms. Feeney Roser: When you have your meeting on the Comp Plan, you are going to get public comment there, too. Then you will make a recommendation and then that will have to be provided to Council along with the public comment that happened during your public hearing. That is how that gets to Council.

Mr. Silverman: There is nothing wrong with having a work product out of 10 meetings. Here is the work product for that meeting. Here are the comments at our official public meeting. Council, there they are.

Mr. Fortner: That will work for me.

Ms. Feeney Roser: Council will get a report on what happens at the public hearing. They will get the whole package together. But, I thought you were worried about how the information from the May 20th meeting will get into the Plan, but we will have time to do that so that when you get it on the public hearing date for the Comp Plan, it will be as refined as you are going see it.

Mr. Silverman: Then this document is going to go online tomorrow and it will be the basis for the next time we get together.

Mr. Fortner: Yes.

Mr. Bowman: If there are no further comments from the public or the Commission, the meeting is adjourned.

There being no further business, the Planning Commission meeting adjourned at 8:20 p.m.

Respectfully Submitted,

Elizabeth Dowell
Planning Commission Secretary